

**LYNCHBURG CITY COUNCIL  
PHYSICAL DEVELOPMENT COMMITTEE  
MEETING HIGHLIGHTS  
Tuesday, February 11, 2014  
9:00 a.m.**

**Attendees:** Council Member Turner Perrow, Chair, Vice Mayor Ceasor Johnson, Council Member Joan Foster, Mayor Michael Gillette, ex-officio

**Staff Present:** Kimball Payne, Bonnie Svrcek, Gaynelle Hart, Jim Talian, Kevin Henry, Lee Newland, Starlette Early

**Others Present:** Alicia Petska (News & Advance), Allen Miller (Property Owner), Sherwood Day (Day & Lovell Attorneys –At- Law), Ron Cox (Rivermont Evangelical Presbyterian Church) , Clay Smith (Rivermont Evangelical Presbyterian Church)

**Contract Awards:**

Mr. Newland summarized the single contract award and, due to difference in budgeted versus contract amount, Council Member Perrow inquired about funding available to pay for this project. Mr. Talian indicated the budgeted amount was a “set aside” amount in FY13 VRLF funding, requiring funds to be used for a green project. The amount was originally budgeted for construction of a green roof on the water plant, but for various reasons that project did not work out and funding was allocated towards a “green-friendly” parking lot (storm-water friendly, pervious pavement, water discharges to rain garden, etc.) across the street. The bid results for this project were discussed and approved.

**Update on Priority Projects:**

Mr. Newland reviewed projects changed since the last PDC report:

- Kemper Street Bridge- single bid received was over budget and performing value engineering study;
- Memorial Park Lakeside Intersection- bids due February 26;
- Miller Center Renovation- Building construction going well; parking lot slow due to weather;
- Odd Fellows Road P3- VDOT pushed advertisement back to late February;
- Lakeside Dr. Improvements @ LC-Negotiations with consultant; VDOT performing State Environmental Review Process;
- Harvard Rd Improvements at Tunnel- adding turn lanes and signals;
- 5<sup>th</sup> Street P2 Utilities w/Streetscapes- Final walk-thru just completed; correcting punch list items.;

There was discussion regarding the process by VDOT to issue the final RFP for the Odd Fellows Road P3 project after receiving an unsolicited proposal. Mr. Newland confirmed VDOT continues working to tighten the scope of the project so that everyone will be proposing on the same work. Since the scope has evolved, the company making the initial bid will need to resubmit a proposal in response to the revised RFP. Input from the City’s Comprehensive Plan is being incorporated into the final RFP that will be issued by VDOT. Work on this has been slowed due to a change in leadership at VDOT.

Council Member Perrow inquired about the bid received on Kemper Street Bridge/Interchange and Mr. Newland indicated it exceeded \$5 million budgeted amount by \$1.5 million.

## **General Business:**

1. Vacate an alley between 107, 119 & 121 Quinlan Street—Rivermont Evangelical Presbyterian Church and Mr. & Mrs. Allen Miller are petitioning to vacate an alley between 107, 119 & 121 Quinlan Street and 2424 Memphis Avenue. The alley is approximately 202 feet in length and 16 feet wide. Currently the alley is unopened, a grassed area exists between two residential properties, with the furthest extent of the alley from Quinlan Street extending into a small portion of the parking lot of the Rivermont Evangelical Presbyterian Church. The petitioner submitted a subdivision plat proposing the consolidation of all the internal lot lines upon the church property, including the area of the alley. The alley does not currently serve a function as it is unopened and all the adjoining properties have right of way access through other means. Since there is no paved open access along Quinlan Street to the alley and the other end of the alley can only be accessed through private property there is no impact of the vacation of the alley. The adjoining property owner at 119 Quinlan Street (Ms. Mary Stone) has not consented to the proposed vacation. The adjoining owner had a representative contact staff stating that they were opposed to the vacation. They stated that they felt access to the rear of the dwelling was being cut-off. As evidenced by the photos attached, Ms. Stone currently has a drive way on the opposite side of the alley which extends around the rear of the dwelling. This particular neighbor would obtain approximately .026 of an acre through the alley vacation. Although the adjoining property owner has not consented, there appears to be minimal impact with the proposed vacation.

Mr. Henry summarized the petition and noted staff support for the request. Council Member Foster clarified whether the petition had previously been heard by Council due to a date specified on a letter from Rivermont Evangelical Presbyterian Church. Mr. Henry confirmed this matter had not yet come before Council.

There was discussion of contact with the property owner not consenting to the vacation (Ms. Stone/Cox) and her use of the alley. Since this property owner has a separate drive way, the alley is not needed to access her property. Mayor Gillette questioned the procedure of how the vacated property would be divided if one property owner did not desire to receive the additional acreage. Mr. Henry indicated state code mandated an initial 50-50 division of the vacated property, but also noted a new deed can be drawn between the property owners providing for transfer to a single property owner following a decision by Council to approve the vacation.

Council Member Foster noted that as a non-profit, the Church would not be taxed for their portion of the property. Mr. Henry reported property values would not be affected by the additional property received after vacating the alley, and no additional tax revenues could be expected from the transfer to any of the property owners. There was further discussion regarding the configuration of the alley as it relates to the non-consenting property owner and attempts to provide additional information to her representative. Mr. Day, acting as a representative of Rivermont Evangelical Presbyterian Church, detailed the area of the three parcels surrounding the alley and discussed the church's reasoning for wanting the additional property. Council Member Perrow noted the alley could be vacated up to the point of the church's property line without affecting Ms. Stone. Mr. Day stated they were petitioning together with the property owner adjacent to Ms. Stone to vacate the full alley and had not, in his opinion, heard a legitimate reason to negate their request. He noted Mr. Miller would take 100% of the additional property, even if it meant an increase in his property taxes.

Council Member Perrow explained Council's typical position was to vacate these types of properties where adjacent property owners are in agreement. Because the added property requires additional maintenance responsibilities, he is reluctant to move forward on a petition in which all property owners

are not agreeable. Vice Mayor Johnson indicated he was in favor of vacating the full alley. He did not feel the additional acreage placed an undue burden on the non-consenting property owner. Council Member Foster voiced her desire for the City to contact Ms. Stone directly to address her concerns. She was agreeable to move petition forward to Council with caveat that the owner would be contacted prior to the public hearing and a solution reached that was agreeable to everyone. Mayor Gillette was reluctant to force a property owner to take something they have stated they did not want. However, he did not feel the circumstances precluded the City from relinquishing their ownership of the property to someone who did want it. There was further discussion about the opportunity to combine the vacation with a revised deed that simultaneously redraws property boundary lines resulting in 100 percent of the vacated alley beyond the church property lines transferring to Mr. Miller.

Consensus from the committee is to move this forward to Council with their recommendation for approval, pending contact with Ms. Stone and a proposal agreeable to all property owners brought forward for consideration.

2. Easement approval for installation of Appalachian Power (AEP) power lines on City-owned property in Campbell County – AEP is requesting easement approval to install approximately 1,350 feet of underground or overhead power lines on City owned property in Campbell County. The line would be located on the back side of the airport property along the Route 460 line. The proposed power line would begin at an existing overhead primary line that serves the police shooting range behind the Lynchburg Regional Airport. The line would extend across City airport property along the Route 460 fence line to the adjoining property of David Dudley. The purpose of the line is to provide power to David Dudley's property. Mark Courtney, Airport Director, reviewed the proposed easement location and had no objections.

Mr. Newland explained AEP is trying to run power to Mr. David Dudley's property in Campbell County. Since this land is City-owned (part of the airport) and is considered private property, the City Attorney feels an easement is necessary to allow AEP access to run the necessary lines across City-owned property. If recommended by PDC, this would go to full Council for approval.

Council Member Perrow disclosed Mr. Dudley is a former personal client; however, he does not have a personal interest or gain from this request and therefore there is no conflict of interest that prevents him from discussing the issue. Vice Mayor Johnson questioned whether there were additional party interests in this request (i.e. timbering for preparation of easement) and noted his approval to move forward. Council Member Foster confirmed location of lines and area of proposed easement. She noted value of any cut lumber should go to airport since it is their property. Mayor Gillette indicated his approval given Mark Courtney's consensus. He also felt it was appropriate to assist development efforts of property located in Campbell County.

Council Member Perrow inquired how negotiations for this request would be finalized. Mr. Payne indicated a public hearing would be held where review of plat would provide full details for conditions of easement. PDC agreed this should be moved forward to full Council, with a full easement package detailing fiscal impact for consideration.

#### **Roll Call:**

Council Member Foster—She has received several complaints about a hole in the road on Rivermont Avenue; Mr. Payne explained it is currently on the schedule to be repaired once weather permits. It has been previously repaired but is sinking again.

Council Member Perrow—He feels the City needs to work on the storm water regulations as they pertain to inspections and regulations; not the ordinance itself. A review is needed to address conflicting requirements in the inspection process for storm water installations and ongoing certifications. Essentially it is aligning the State's regulations and suggestions with the City's policy; City is using the state's information as the basis and it needs to be tailored and formatted more to meet the City's ordinance.

Council Member Perrow also requested all future PDC meeting agenda's be placed on "I-Legislate" to properly inform members of meeting dates.

**Next meeting:** March 11, 2014